

BOARD OF APPEALS CASE NO. 5242

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BEFORE THE

APPLICANT: Frederick Laubach

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ZONING HEARING EXAMINER

REQUEST: Variance to allow an existing over-sized garage in the Agricultural District;
1204 Old Mountain Road, South, Joppa

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 3/20/02 & 3/27/02

HEARING DATE: May 20, 2002

Record: 3/22/02 & 3/29/02

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ZONING HEARING EXAMINER'S DECISION

The Applicant, Frederick Laubach, is requesting a variance, pursuant to Section 267-26C(1) of the Harford County Code, to allow an existing garage to exceed 50% of the square footage of the habitable space of the principal structure (existing house 1923 square feet, existing garage 1800 square feet), in an R1/Urban Residential District.

The subject parcel is located at 1204 Old Mountain Road (south), Joppa, MD 21085, and is more particularly identified on Tax Map 65, Grid 213, Parcel 111. The parcel consists of 3.52± acres, is presently zoned R1/Urban Residential and is entirely within the First Election District.

The Applicant, Mr. Frederick Laubach, appeared and testified that he hired a contractor to construct a 30-foot by 60-foot garage on his property in 1992. The Applicant believed that the contractor had obtained all of the necessary permits and inspections for the garage but that did not occur. The Applicant stated that he has a large property, 3.52 acres that is bordered on one side by the CSX railroad property and tracks, to another is a car lot and to the rear is dense woodland. The subject garage is currently used for storage of automobiles and miscellaneous personal items. The subject garage sits 500-600 feet off the road and is 150 feet from the Applicant's home. The topography of the subject parcel and placement of trees and structures prevents passersby or neighbors from viewing the garage. The Applicant did not believe the existence of the garage was a problem for anyone and nobody had ever complained about it until now. The Applicant believed that someone other than a neighbor may have complained about this garage and for reasons unrelated to the garage itself.

The Department of Planning and Zoning recommends approval of the request finding that the garage does not create any adverse impact to adjoining properties and, so long as

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it is used for personal item storage, does not materially impair the purpose of the zoning provisions.

There were no persons who appeared in opposition to the request.

CONCLUSION:

The Applicant, Frederick Laubach, is requesting a variance, pursuant to Section 267-26C(1) of the Harford County Code, to allow an existing garage to exceed 50% of the square footage of the habitable space of the principal structure (existing house 1923 square feet, existing garage 1800 square feet), in an R1/Urban Residential District.

Harford County Code Section 267-26C(1) provides:

“In the AG, RR, R1, R2, R3, R4 and VR Districts, the accessory use or structure shall neither exceed fifty percent (50%) of the square footage of habitable space nor exceed the height of the principal use or structure. This does not apply to agricultural structures, nor does it affect the provisions of § 267-24, Exceptions and modifications to minimum height requirements. No accessory structure shall be used for living quarters, the storage of contractors' equipment nor the conducting of any business unless otherwise provided in this Part 1.”

The Harford County Code, pursuant to Section 267-11, permits variances and provides:

“Variances from the provisions or requirements of this Code may be granted if the Board finds that:

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Code would result in practical difficulty or unreasonable hardship.
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Code or the public interest.”

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The Hearing Examiner finds that the subject parcel is unique in size and topography. The garage cannot be seen from the road or by adjoining property owners. It is 500 or more feet off the road. The garage has existed at its present location for over 10 years and there is no reason to conclude that adverse impacts have resulted to adjoining properties during that time as a result of its presence. The garage is more than 250 feet away from the closest residence. The Hearing Examiner also points out that the garage is similar in size and type to other structures commonly found within Harford County. The Applicant would suffer a hardship if required to remove this structure.

The Hearing Examiner recommends approval of the Applicant's request, subject to the following conditions:

1. The Applicant obtain any and all necessary permits and inspections.
2. The garage not be used for storage of commercial vehicles or for storage of contractor's equipment.

Date MAY 29, 2002

William F. Casey
Zoning Hearing Examiner